

Subject: Re: Green Street Wellness Center in Westchester

From: Jane Usher <jane.usher@lacity.org>

Date: 09/13/2011 11:06 AM

To: Donald Duckworth <duckworth.donald@gmail.com>

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Dear Don --

Just a couple of quick points in reply. Our City ordinance is under submission for a judicial determination regarding whether it is lawful. I do not know how soon or late Judge Mohr will rule. He can take up to 90 days from last Friday. Until he rules, we can only enforce the state law prohibition regarding 600 feet from schools. It undermines the strength of our legal efforts to also include churches and other facilities at this time, though we would like to!

The 600 foot distance calculation is as provided for in the state legislation. It is straight line, property line to property line. There is no opportunity to exclude the measurement for an intervening alley.

Any legal advice that you might be receiving regarding an Interim Control Ordinance on the topic of medical marijuana is uninformed. Rather than walk you through a year of briefs on every imaginable subject, including on the law of when an ICO may and may not be enacted, please rest assured that our legal strategy is appropriately aggressive. Any brand new ordinance would undo all of the favorable rulings that we have received from the court in the past year on lots of topics contained in our ordinance. It would also undo any favorable ruling that we may receive on the pending submitted matter. That would be legal folly.

I am a huge fan of legal self-help. Please be outspoken in your requests that these dispensaries move. Tell us, the City Council, the LAPD (most important!), the dispensaries, your neighbors, and the media about your demands and complaints.

Thanks for working with me. Jane

On Tue, Sep 13, 2011 at 8:08 AM, Donald Duckworth <duckworth.donald@gmail.com> wrote:

Good Morning Jane...

The subject marijuana cooperative appears to be just outside the 600 ft State Law limit. According to the City's ZIMAS system, it is very close, maybe 625 - 650ish ft. The straight blue line in the attached screen print is 643 ft, but the exact property boundary for APN 4123-006-025 (the WISH Charter School) is not clear. However, it would appear to be separated only by the street (public right-of-way). Perhaps there is language that allows the public right of way to be excluded from the distance calculation.

Jane, you indicated that you intended to try to convince some of the offending cooperative owners or their counsel to relocate in the interest of good judgement. Couldn't that logic be used to include the Green Street Wellness Center in Westchester on your list? Green Street's counsel (Jeffrey Lake / 619-795-6460) seems to see the wisdom in amicable compromise that makes economic sense.

This newly located Green Street cooperative is about 345 ft from the Calvary Chapel located at 6258 W. Manchester Avenue; less than 900 ft from the First Baptist Church located at 8540 La Tijera Avenue; and, about 643 ft from the Westchester Christian Church located at 8740 La Tijera Boulevard. Worst, it is next door to the Vegari Dance Studio located in the same building!! Their present location is indisputably, just the wrong place.

Would not an "Interim Control Ordinance" re-adopting the City's location standards pursuant to AB1300 be preferable to having to "undo" the chaos of the marijuana dispensary location rush we are now experiencing? Why would that not be very well received by the City Council as good public policy and represent sound legal judgement?

We are being counseled that alliance with other Neighborhood Council's, informational pickets, promoted news coverage, and a letter writing campaign are the alternatives left open to the community if a more rational resolution cannot be found. We are hoping that you can assist us to achieve that end.

Thank you, Jane.

--

Jane Ellison Usher
Special Assistant City Attorney

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